

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

G.M. SIGN, INC., Individually ) Docket No. 10 C 7854  
and as the representative of a )  
class of similarly-situated )  
persons, )  
Plaintiffs, ) Chicago, Illinois  
v. ) April 4, 2012  
PLASTI-MACH CORP. and ROBERT ) 9:53 a.m.  
ROSEN, )  
Defendants. )

TRANSCRIPT OF PROCEEDINGS  
BEFORE THE HONORABLE RUBEN CASTILLO

## APPEARANCES:

For the Plaintiffs: BOCK & HATCH LLC by  
MS. MARGARET E. VINCENT  
134 North LaSalle Street  
Suite 1000  
Chicago, Illinois 60602

For the Defendants: THE FISH LAW FIRM PC by  
MR. DAVID J. FISH  
1770 North Park Street  
Suite 202  
Naperville, Illinois 60563

Court Reporter: GAYLE A. McGUIGAN, CSR, RMR, CRR  
Federal Official Court Reporter  
219 South Dearborn, Room 1944  
Chicago, Illinois 60604  
312-435-6047  
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1                    (In open court.)

2                    THE CLERK: 10 C 7854, GM Sign versus Plasti-Mach.

3                    THE COURT: Good morning.

4                    MR. FISH: Good morning, your Honor. David Fish for  
5 the defendants.

6                    MS. VINCENT: Good morning, your Honor. Margaret  
7 Vincent on behalf of the plaintiffs.

8                    THE COURT: Okay. So have you talked about trying to  
9 resolve this case?

10                  MR. FISH: We have somewhat informally, Judge.

11                  THE COURT: Uh-hum. Where have you gotten?

12                  MR. FISH: Not very far -- excuse me, not very far,  
13 Judge.

14                  THE COURT: So what you're telling me is the case is  
15 not going to settle.

16                  MR. FISH: I don't know that that's the case, Judge.

17                  I think, from our perspective, we would like a ruling  
18 on our motion to dismiss.

19                  THE COURT: Okay.

20                  MR. FISH: And the defendants yesterday, by the way --  
21 or the plaintiff, I'm sorry, Judge, filed a motion for leave to  
22 file a response to our motion.

23                  THE COURT: Uh-hum.

24                  MR. FISH: And I think they have it noticed up for  
25 next week.

1                   THE COURT: Okay.

2                   MR. FISH: We do object to it. It's over a month  
3 late, Judge.

4                   THE COURT: Okay.

5                   MR. FISH: I think it's -- the case was filed in 2010,  
6 late 2010, and I don't think that their position should be  
7 heard.

8                   THE COURT: Okay.

9                   MR. FISH: But in any event, Judge, that's kind of  
10 where we're at.

11                  THE COURT: Okay. Do you have a copy of your motion?  
12 I haven't seen it.

13                  MS. VINCENT: You know, I have a copy, which I have  
14 notes on. I can get a --

15                  THE COURT: That's fine.

16                  MS. VINCENT: Yeah? Okay.

17                  (Tendered.)

18                  MS. VINCENT: That's the motion for leave to file  
19 instanter, and then the response itself, which was the exhibit.

20                  THE COURT: I take it you're covering this case for  
21 Mr. Wanca.

22                  MS. VINCENT: Correct. We work together, our two  
23 offices, on cases, so ...

24                  THE COURT: And your office is which office?

25                  MS. VINCENT: I'm with Bock & Hatch.

1           MR. FISH: Judge, from our perspective, the motion --

2           THE COURT: You don't have to say anything.

3           MR. FISH: Okay.

4           THE COURT: Here, I'm going to give this back to you.

5           So explain to me what you're doing in this case.

6           Have you been responsible for this case from the point  
7 it was filed?

8           MS. VINCENT: Myself individually?

9           THE COURT: Yes. Individually.

10          MS. VINCENT: No.

11          THE COURT: Okay. Because, look, this is what's going  
12 to happen. It's not going to be a good day for you today. And  
13 I don't want to kill the messenger, but whoever is responsible  
14 for this case has totally botched this case up, as far as I'm  
15 concerned.

16          Number one, the case is being filed very late under  
17 the statute of limitations.

18          Number two, the case wasn't served within the required  
19 120-day period, which is the subject of their motion to  
20 dismiss.

21          I inherited this case from Judge Hibbler upon his  
22 death, and the case was reassigned to me.

23          Before the case was reassigned to me, there was a  
24 briefing schedule set whereby your response to this motion to  
25 dismiss, which is a mandatory motion to dismiss, once you don't

1 file or serve a complaint within 120 days, the rule says the  
2 complaint must be dismissed.

3 And I'm very cognizant of the fact what's going to  
4 follow is when I grant the motion, which I will in about ten  
5 seconds, that dismissal is without prejudice.

6 But when you come back here and try and refile it,  
7 they're going to say the statute of limitations is over.

8 MS. VINCENT: Right. And that's actually the  
9 subject -- well, part of the subject of our response --

10 THE COURT: That's part of your response. Okay.

11 But you're standing here -- number one, no one filed  
12 the response on March 6th.

13 MS. VINCENT: Correct.

14 THE COURT: That was just not done. That's almost 30  
15 days ago.

16 You filed a motion just -- when did you file this  
17 motion?

18 MS. VINCENT: Yesterday.

19 THE COURT: Yesterday. That's April 3rd. More than  
20 three weeks after your response was due.

21 It's just what I see as a pattern of this entire case.

22 One, it's filed late on the eve of the statute of  
23 limitations.

24 Two, you have 120 days to serve the complaint or come  
25 in before Judge Hibbler and ask for an extension. That wasn't

1 done.

2 Finally, the case is served.

3 You're met with a motion to dismiss. He sets a  
4 briefing schedule. You don't meet that motion.

5 So this is the end result:

6 Number one, your request for an extension is denied.

7 Number two, the case is dismissed without prejudice  
8 pursuant to Rule 4.

9 MR. FISH: Thank you, Judge.

10 THE COURT: Thank you.

11 MS. VINCENT: Thank you, your Honor.

12 (Proceedings concluded.)

13 C E R T I F I C A T E

14 I certify that the foregoing is a correct transcript of the  
15 record of proceedings in the above-entitled matter.

16  
17  
18 /s/ GAYLE A. MCGUIGAN  
19 Gayle A. McGuigan, CSR, RMR, CRR  
20 Official Court Reporter  
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April 23, 2012  
Date